



King County
Department of Permitting and Environmental Review

**Response to questions and concerns from
Pacific Raceways Annual Meeting
October 9, 2013**

Many of the related items and comments have been consolidated and/or combined for response.

Pacific Raceways Conditional Use Permit (CUP) related items:

1. Noise monitoring system status:

Noise monitoring is not explicitly required in the CUP and specific noise levels or standards are not addressed either. In the past, the County Health Department has been the responsible agency for noise monitoring; however, those programs and staff are no longer funded. Even if the County were to fund a monitoring system and personnel, other than the quiet days and hours, there are not any noise level standards (decibel level for instance) to which the Racetrack must adhere.

Generally, Washington Administrative Code (WAC) 173.60.050(4) and King County Code (K.C.C.) 12.94.020.F. provide racetrack activities certain exemptions from noise standards.

It is anticipated that with additional uses or development, noise standards and monitoring would be required through the permitting process. For example, the 2008 CUP for the relocated drag strip did include conditions for “continuous-read noise monitoring equipment” (see item #13 for status).

2. Noise mitigation per 1984 Berteig findings:

The CUP relies mostly on mitigating noise impacts through:

- 1) The specific activities allowed under the CUP.
- 2) Limiting the days that racing activities may occur.
- 3) Limiting the hours of operation.
- 4) Directing and using loudspeakers toward the audience, not amplifying race noises.
- 5) The CUP encourages, not requires, implementation of noise control measures, berms, sound walls, mufflers, etc., to a level that meets environmental noise standards without the race track exemption. If this is demonstrated, then track operations may occur on Tuesdays and an additional hour on Wednesday through Saturday.

3. Non-participant camping/camping in non-designated areas. What is status of KC action?

The CUP limits camping on the site in two ways:

1. participants only, and
2. areas designated on the Plot Plan only.

King County issued a Notice and Order in September 2013 to cease all non-participant camping and all camping outside of the approved areas designated on the Plot Plan. That Notice and Order was not appealed. Camping locations must be limited to those areas designated on the Plot Plan and generally described as being in the NE end of the site in the participant parking areas.

4. What is the authority for new events under the current regulatory scheme/i.e.: drifting, etc. and non-auto racing events (i.e.: mud run, etc.)?

Activities not expressly allowed under the CUP are prohibited, unless allowed through other authority, such as a Temporary Use Permit. Additionally, the CUP contemplates “auxiliary uses.” The zoning “P” suffix overlay explicitly identifies that the only use allowed is for a racetrack pursuant to the conditional or special use permit.

A) King County has issued a Notice and Order on “drifting,” based on the determination that although it is a motorsport it is separate and distinct from racing, and therefore is not authorized by the CUP. That Notice and Order was not appealed.

B) The CUP does allow some auxiliary uses of the site, such as “motoring, bicycle racing, training and motor-related events.” Additional auxiliary uses may be allowed (e.g. rock concerts, swap meets and non-racing entertainment), only as “fill in” between races and not as a stand-alone events.

5. Extended motocross hours due to new lighting:

King County did issue permits for some lighting revisions. This does not authorize a change in the permitted hours. Motocross racing activities are subject to the same day and hour restrictions as the rest of the track. Operating the track beyond the allowed hours is a violation. Pacific Raceways management has acknowledged that schedule limitations apply to the motocross track and has agreed to comply with them despite additional lighting in the motocross area. If interested parties have observed specific violations, they should contact DPER with that information for enforcement.

6. What is and isn’t allowed on Mondays and Tuesdays?

The Snohomish County Superior Court LUPA decision applies directly to this issue. The Department will enforce that ruling as follows: 1) Anything that looks, sounds, or even seems like racing or race testing is not allowed on Mondays and Tuesdays; 2) Non-race-related activities may be allowed provided that they do not create noise impacts beyond the Pacific Raceways property line greater than the existing ambient noises; 3) Emergency training done by King County Sheriffs and other police and emergency responding agencies may occur on Mondays and Tuesdays, however, the training must be officially sanctioned by, and provided for, those agencies and their personnel, noise impacts are restricted to those generated by emergency training activities.

(Please note that the Superior Court decision on this matter is under appeal, see item #12 below)

7. Confining public address system to within PR boundaries:

The CUP requires that the loudspeaker system be designed and used “so that race sounds are not further amplified, and that sound is directed to spectators and prevented from disturbance from outside SIR boundaries.” This is a function that the County recognizes has received complaints and concerns by area residents. The County will be investigating the issue further and working with Pacific Raceways for better control of loudspeaker noises and to address compliance with this requirement.

8. Are on-site commercial sales/vendor sales during events allowed?

DPER considers vendor sales to be auxiliary uses similar to those addressed in item #4. They are not allowed independent of a race event or activity, but limited vendor sales, concessions and similar sales activities ancillary to the event etc. are generally allowed.

9. What is the meaning of the “hours of operation”, start and quit times?

Based upon the 1982 Examiner Decision Condition #1, and re-affirmed in the 2012 Examiners Report and decision on Code Enforcement Appeal, the hours of operation refer to “hours of track operation.” This means that all activities occurring on the track(s) must cease at the end of the allowable times. It does not impose a restriction on spectators exiting the site, nor does it apply to activities occurring outside Pacific Raceways’ property lines, etc.

10. What about policing the entrance/exit? Is this occurring? Is it required?

This issue is derived from a condition within the 1982 Modified Conditions - Traffic #4.c. stating that: *“SIR shall notify King County Department of Public Safety and the Washington State Patrol at least 30 days prior to major events, or in case of rescheduled events, at the earliest feasible times. The purpose is to coordinate police manpower for traffic control, including, but not limited to, control at the intersection of SR18 and Southeast 296th Street. SIR shall comply with KCC 6.08.042. SIR shall provide assistance in traffic control to the extent feasible when requested to do so by King County Department of Public Safety.”*

DPER does not interpret this condition as requiring a police presence at the entrance/exit, but instead notification to police agencies prior to events. King County Sheriff’s Officers have confirmed that they have performed traffic control duties, contracted through Guild, in the past on behalf of Pacific Raceways.

11. DPER says they are complaint driven but neighbors feel that some noise complaints are not addressed.

DPER is working on being more responsive and acknowledging complaints. At Pacific Raceways, some noise impacts are enforceable through land use controls. However, noise levels are often subjective and the current regulatory document does not set specific standards. Thus DPER does not always have a mechanism to address noise complaints.

DPER is working on being more responsive to those complaints, and has taken legal action to enforce CUP quiet day restrictions and to limit new uses. We will continue to

focus the Department's responses to noise issues where action can be effective under the CUP.

12. What is the status or schedule for the appeal of the most recent Superior Court decision?

Pacific Raceways appealed the Snohomish County Superior Court decision to Division One of the Washington State Court of Appeals. The briefing process is currently underway. Pacific Raceway's final brief is due in January of 2014. After that brief is filed the Court will set a date for oral argument, likely in late spring.

13. Status of permits for new drag strip?

The grading permit for the drag strip relocation has expired and cannot, at this time, be renewed. DPER is working on a close-out letter and list of requirements for bond release; it is possible that a grading permit may be required for site restoration purposes. Such a permit would be limited to site restoration. Grading permits do not generally require public notice.

The CUP issued for the drag strip relocation is effectively null and void pursuant to its own terms. A building permit for the drag strip was not issued within the required timeframe.

14. Can a sign be placed so people don't come to the vendor gate?

The CUP does not require this type of sign placement, but DPER will discuss options with King County Roads and Pacific Raceways to determine whether this goal could be accomplished.

15. The CUP said Pacific Raceways has to post a 100k bond, has one been posted?

Bonding is generally required, held and exercised in accordance with and limited by specific state statutes. Generally, the land use related bonding mechanism is for the specific performance of a construction project or mitigation. It serves as a financial assurance that certain things, usually mitigation or public improvements are performed and maintained for specific time period.

In 1983 a CUP reinstatement condition, uncharacteristically, required a bond for \$100k to "defray expenses incurred by King County.....or to restore public property damaged...." A search of current County bond records shows that no such bond currently exists and hasn't in recent history. It is not clear whether the bond was not posted or just not renewed. Regardless, the County would not require an operating bond associated with the existing CUP at this time, because there is no nexus between a particular bond amount and the required performance or maintenance of any public improvement.

A separate and active construction-related bond associated with the now-expired drag strip relocation project does exist and is on file with King County.

Additional items related to Pacific Raceways, but not directly associated with the Conditional Use Permit:

16. What is happening with preparation of the Environmental Impact Statement (EIS) and any proposal for redevelopment under the Demonstration Project legislation?

Neither the King County Code nor the existing CUP requires Pacific Raceways to pursue development under the Demonstration Project Ordinance. Mr. Fiorito has stated that he is working toward a plan, schedule, and getting potential investors interested, he estimates that the process will begin in 2014.

17. Has the Conservation Easement been put on land title yet as required by KCCP? What about marking and / or fencing the Conservation easement?

The conservation easement has not been recorded. That said, it is a requirement or condition of Pacific Raceway's requested rezone and the rezone will not become effective until the easement is recorded. Although the area has been identified that the easement will cover, its language, legal description and record of survey need to be completed. DPER will work with Pacific Raceways on this issue in the coming months. While no requirement for fencing is mentioned in the rezone, DPER will attempt to address fencing either through the easement provisions or through future development conditions.

18. Protection of Soos and Soosette Creek Wetlands

19. Addressing Heritage Site noise impact

20. Drainage Pollution/Storm water drainage Review (entire Raceway property)

The site operates under a vested CUP that does not specifically address these issues. The CUP predates many policy considerations, including these. Compliance with current standards will be required if the site is redeveloped. The King County Stormwater Manual has stringent requirements for bringing an entire site or area into compliance, even when just portions or segments are being redeveloped or enlarged. Maintenance activities do not trigger application of new regulations to vested permits. Thus, Pacific Raceways may continue its current operations under the CUP without applying current standards for off-site noise impacts, storm water and wetlands protections. New development will trigger current standards.